

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

TRUSTEES OF THE WILL COUNTY LOCAL)	
174 CARPENTERS PENSION TRUST FUND)	
and WILL COUNTY LOCAL 174 WELFARE)	
FUND,)	
)	No. 11 C 5570
Plaintiffs,)	
)	Judge Lee
v.)	
)	Magistrate Judge Gilbert
W.C. LANGELAND & CO., INC.,)	
an Illinois Corporation d/b/a LANGLAND)	
CONSTRUCTION CORPORATION, and)	
KIMBERLY ANN KURTZ,)	
)	
Defendants.)	

PLAINTIFFS' MOTION FOR JUDGMENT IN SUM CERTAIN ON COUNT I

Plaintiffs, by and through their attorneys, DONALD D. SCHWARTZ, PAUL M. EGAN, GREGORY W. HOSE, and ARNOLD AND KADJAN, move this Court to (1) enter an order of default and judgment in sum certain against Defendant W.C. Langland & Co., Inc. and Defendant Kimberly Ann Kurtz as to Count I of the Complaint in favor of Plaintiffs in the amount of \$102,077.92 on Count I of the Complaint.

In support thereof, Plaintiffs state:

1. This case was filed on August 16, 2011.
2. Defendants W.C. LANGLAND & CO., INC. and Defendant KIMBERLY ANN KURTZ were served on October 26, 2011.
3. In excess of twenty (20) days have passed since service of Complaint on Defendants with Defendants not having answered within those twenty (20) days, therefore Defendants are in default.

4. Defendant W.C. LANGLAND & CO., INC.'S books and records have been audited for the period July 1, 2010 through March 31, 2010 to determine compliance with its fringe benefits contribution obligations.

6. Plaintiffs' auditor determined that Defendant W.C. LANGLAND & CO., INC. owes Plaintiffs \$90,507.20 in benefits, \$9,050.72 in liquidated damages based on the benefits owed \$720.00 in audit costs. (See Affidavit of Richard Wolf, attached hereto as Exhibit "A".)

7. Further, Plaintiffs have expended \$1,800.00 in attorney's fees and costs in pursuing this action. (See Affidavit of Gregory W. Hosé, attached hereto as Exhibit "B".)

WHEREFORE, Plaintiffs pray for:

1. The entry of an Order of Default against Defendants W.C. LANGLAND & CO., INC. and Defendant KIMBERLY ANN KURTZ.
2. The entry of judgment against Defendants W.C. LANGLAND & CO., INC. and Defendant KIMBERLY ANN KURTZ and in favor of plaintiffs, in the sum of \$102,077.92.
3. This Court to retain jurisdiction to enforce the judgment.

/s/ Paul M. Egan

One of Plaintiffs' attorneys

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